

EXHIBIT “D”

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1 PET
2 RALPH E. PORTER, ESQ.
3 Nevada Bar No. 4130
4 **RALPH PORTER & ASSOCIATES, P.C.**
5 525 S. Ninth Street
6 Las Vegas, Nevada 89101
7 (702) 384-5800
8 Attorney for Plaintiff

9
10 DISTRICT COURT
11
12 CLARK COUNTY, NEVADA
13
14

15 IRENE AVILA-LOPEZ,)
16 vs.)
17 JAMES PAUL MOORE CHAVARRIA;)
18 JHM EXPRESS; DOES I through X; ROE)
19 CORPORATIONS, I through X, inclusive,)
20 Defendants.)
21
22 CASE NO.: A-17-763583-C
23 DEPT. NO.: XXIV
24
25)
26)
27)
28)

PETITION FOR EXEMPTION FROM ARBITRATION

19 Plaintiff, IRENE AVILA-LOPEZ, hereby requests the above-entitled matter be
20 exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5, because this case
21 involves an amount in issue in excess of \$50,000.00, as this case:
22
23

- 24 1. _____ presents a significant issue of public policy;
25 2. X involves an amount in excess of \$50,000.00 per Plaintiff,
26 exclusive of interest and costs;
27 3. _____ presents unusual circumstances which constitute good cause
28 for removal from the program.

A summary of the facts of which support the contention for exemption are as follows:

This action arises out of a motor vehicle collision that occurred on or about December
July 24, 2017. Plaintiff, IRENE AVILA-LOPEZ, was traveling northbound on US 95.
Defendant, JAMES PAUL MOORE CHAVARRIA, while driving in the course and scope of

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1 his employment with Defendant, JHM EXPRESS, was traveling northbound on US 95 behind
2 the Avila-Lopez vehicle. As Plaintiff began to stop/slow to avoid a vehicle in front of her with
3 the emergency flashers on, Defendant, JAMES PAUL MOORE CHAVARRIA, failed to stop
4 and struck the rear of Plaintiff's vehicle.

5 As a result, Plaintiff sustained multiple injuries including, but not limited to, the
6 following:

- 8 • C3-4 3 MM BROAD-BASED ANTERIOR DISC PROTRUSION
- 9 • C5-6 4 MM CIRCUMFERENTIAL DISC BULGE WITH ANTERIOR
PREDOMINANCE
- 10 • C6-7 1-2 MM CIRCUMFERENTIAL DISC BULGE
- 11 • L1-2 3 MM CIRCUMFERENTIAL DISC BULGE
- 12 • L2-3 3 MM CIRCUMFERENTIAL DISC BULGE
- 13 • L4-5 2 MM BROAD-BASED ANTERIOR DISC PROTRUSION
- 14 • L5-S1 4 MM BROAD-BASED ANTERIOR DISC PROTRUSION
- 15 • COMPLETE DISRUPTION OF THE SUPRAPINATUS TENDON
APPROXIMATELY 2 MC FROM THE DISTAL INSERTION, WITH 1.1
CM RETRACTION OF THE MAIN TENDON FIBERS AND ATROPHY
OF THE SUPRASPINATUS MUSCLE BELLY
- 16 • MODERATE GLENOHUMERAL JOINT EFFUSION
- 17 • CERVICAL SPRAIN/STRAIN
- 18 • CERVICOBRACHIAL SYNDROME
- 19 • CERVICALGIA
- 20 • SPRAIN OF LIGAMENTS OF CERVICAL SPINE
- 21 • STRAIN OF MUSCLE, FASCIA AND TENDON AT NECK LEVEL
- 22 • THORACIC SPRAIN/STRAIN
- 23 • PAIN IN THORACIC SPINE
- 24 • SPRAIN OF LIGAMENTS OF THORACIC SPINE
- 25 • STRAIN OF MUSCLE AND TENDON OF BACK WALL OF THORAX
- 26 • LUMBAR SPRAIN/STRAIN
- 27 • LOW BACK PAIN
- 28 • SPRAIN OF LIGAMENTS OF LUMBAR SPINE
- STRAIN OF MUSCLE, FASCIA AND TENDON OF LOWER BACK
- CONTUSION OF THE CHEST WALL
- MUSCLE SPASM OF BACK
- LOCALIZED EDEMA
- POST-TRAUMATIC HEADACHE
- OTHER INSOMNIA
- OTHER FATIGUE

Plaintiff's past medical expenses to date total \$110,953.22. (Ms. Avila-Lopez is still

1 seeking medical treatment.) The medical specials currently breakdown as follows:

No.	Provider	DOS	\$\$
1.	Medic West Ambulance	07/24/17	\$ 1,168.91
2.	Sunrise Hospital	07/24/17 07/26/17-	\$ 96,985.75
3.	Fremont Emergency Services	07/24/17	\$ 1,317.00
4.	Radiology Specialists, LTD	07/25/17- 07/26/17	\$ 1,189.00
5.	Spinal Rehabilitation Center Robert Moore, DC	07/27/17- 11/27/17	\$ 3,847.00
6.	Nevada Medical Consultants Thomas Anthony Shang, M.D.	07/28/17- 09/11/17	\$ 1,050.00
7.	Las Vegas Radiology	10/11/17 10/24/17	\$ 4,950.00
8.	Las Vegas Pharmacy	08/04/17	\$ 445.56
		TOTAL	\$110,953.22+

13 Plaintiff's past medical expenses are in the amount of \$110,953.22. However,
 14 Plaintiff's medical specials are undetermined at this time due to her still seeking medical
 15 treatment. Exemption from arbitration is, therefore, requested.
 16

17 I hereby certify, pursuant to NRCP 11, this case to be within the exemption(s) noted
 18 above and I am aware of the sanctions which may be imposed against any attorney or party
 19 who without good cause or justification attempts to remove a case from the arbitration
 20 program.

21 DATED this 29 day of Nov, 2017.

22 RALPH PORTER & ASSOCIATES, P.C.

23
 24 By 
 25 RALPH E. PORTER, ESQ.
 26 Nevada Bar No. 4130
 27 525 S. Ninth Street
 28 Las Vegas, Nevada 89101
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RALPH PORTER & ASSOCIATES, P.C. and that on the 6 day of November, 2017, I caused the foregoing

PETITION FOR EXEMPTION FROM ARBITRATION to be served as follows:

by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or

9 [] pursuant to EDCR 7.26, by sending it via facsimile; and/or

10 [] by hand delivery

by ELECTRONIC SERVICE

to the attorney listed below:

Trevor L. Atkin, Esq.
ATKIN WINNER & SHERROD
1117 S. Rancho Drive
Las Vegas, Nevada 89102
Attorney for Defendants

An Employee of RALPH PORTER & ASSOC.